Exhibit Y

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DEPARTMENT OF POLICE ACCOUNTABILITY

DPA CASE NO.: 0164-16

INTERVIEW OF: OFFICER KIRK BOZIN, #814

DATE OF INTERVIEW: 02/04/2019

INVESTIGATOR MATT STONECIPHER: This interview is regarding DPA case number 0164 and is taking place at the Department of Police Accountability on February 4, 2019 at 10:53 a.m. Conducting this interview is Investigator Matt Stonecipher. I work for the Department of Police Accountability. I've been designated by the Police Commission to conduct this investigation. Also present is:

DIANA ROSENSTEIN: Diana Rosenstein, staff attorney.

STONECIPHER: The member being interviewed is Officer Kirk Bozin, star number 814, who is being interviewed as a subject matter expert regarding ERIW. So, Officer Bozin, how long have you been employed with the SFPD for?

KIRK BOZIN: For [redacted].

STONECIPHER: Have you worked in any other police departments during your career?

BOZIN: No.

STONECIPHER: Can you just explain your role with SFPD's Police Academy.

BOZIN: Right now, I'm a firearms instructor and I've been there for approximately seven years.

STONECIPHER: And how long have you been teaching at ERIW

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training?

BOZIN: Exclusively, yeah, about a year and a half now.

STONECIPHER: And how long has SFPD been teaching ERIW at the Academy for?

BOZIN: I'm not a hundred percent sure. I know- I can guess if that's what you'd like but I know I have PowerPoints from about 2012 or 2013, so it's been a few years at least.

STONECIPHER: Okay. And can you just explain to me what is an ERIW?

BOZIN: It stands for Extended Range Impact Weapon. Ah, the best way to kind of think of it is delivering a baton strike from a distance.

STONECIPHER: Um hmm. And could you do like a technical breakdown of the weapon that SFPD uses for the ERIW?

BOZIN: A specialized unit use like a .40 millimeter but that was something that we don't really deal with at the Academy level. We use an .870 shotgun.

STONECIPHER: Um hmm.

BOZIN: And that just is a basic .870 shotgun that could use lethal rounds that anybody could buy but it just be distinguished with a blaze orange or orange stock in front.

STONECIPHER: Okay. So why do you train with that as opposed to the other version?

BOZIN: Because just the .870 shotgun is something that's very readily available and that there were so many of them in the department that many were converted from lethal shotguns to ERIW shotguns.

STONECIPHER: Okay.

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ROSENSTEIN: What - what - what requirements are there to convert the .870 shotgun from lethal to an ERIW?

BOZIN: The only difference is the color of the stock so it could shoot a lethal round just as easily.

ROSENSTEIN: Thank you.

STONECIPHER: Can you just explain what the purpose is of an ERIW?

BOZIN: It is to gain compliance or to take somebody into custody and again, I think the best way to figure out if you can use a baton strike on somebody, the idea is you're delivering that same type of blunt force trauma from a distance.

STONECIPHER: To the best of your knowledge, has the specific model of ERIW, does that change over the years with what you train with? Like the .870 shotgun.

BOZIN: Right.

STONECIPHER: Has that changed at all to the best of your knowledge within like the last few years?

BOZIN: When I was introduced to the ERIW many years ago, it was still an .870 shotgun just with the orange - the same as it is now.

STONECIPHER: Okay.

BOZIN: The only difference I could think of maybe- I don't recall if there was a sling on the - I don't remember if I was trained on a sling or if that's something that was introduced later.

STONECIPHER: Okay.

ROSENSTEIN: Sorry. I don't know what a sling is.

BOZIN: Oh, I'm sorry. Sling is just a -something for the

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shotgun so you can hold it. You have to put it on your gun belt.

ROSENSTEIN: Oh, oh, oh.

BOZIN: So just-

ROSENSTEIN: Oh, okay. Got it.

BOZIN: I'm sorry. I'm not sure of the way to describe that.

ROSENSTEIN: Got it.

STONECIPHER: And about how long is the ERIW training at the Academy?

BOZIN: At the Academy of recruits, it's eight hours.

STONECIPHER: Okay.

BOZIN: Ah- yeah, eight hours.

STONECIPHER: And over how many days is that?

BOZIN: That's a one-day course.

STONECIPHER: Okay. Is there any lecture incorporated into the ERIW training?

BOZIN: Yes.

STONECIPHER: Okay. And how many hours or I guess what the- what is the time of that?

BOZIN: Well actually, to make more- a little clearer there. So we would we get a class and we divide it into two parts. So, I would guess better stated, it's a four-hour block of instruction and that includes a PowerPoint and some live fire and some scenario-based training. Oh, and there's a written test also which is very basic.

STONECIPHER: And again, just to clarify, how much of the course is spent on the range?

BOZIN: The shooting portion, 45 minutes to an hour.

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STONECIPHER: Okay. Just to clarify, do officers take written exams as part of the ERIW training?

BOZIN: Yes.

STONECIPHER: Okay. So what does an officer need to do to become ERIW certified?

BOZIN: They have to pass the written exam. They have to show ability to shoot the ERIW accurately and make some basic decisions in scenario-based training.

ROSENSTEIN: Quick question. Is that the same training that laterals get when they transfer from another department?

BOZIN: Yes, it would be. They would go through our course.

ROSENSTEIN: And you said pass exam. What -to be certified they have to pass the exam- what else do they have to do?

BOZIN: We're doing live fire training to make sure they can shoot accurately, especially at distance.

ROSENSTEIN: Okay. And anything else?

BOZIN: And we do some scenarios in the class, just very basic, and try to talk to people, try to de-escalate and if it turns into a violent situation, they will deploy that ERIW.

ROSENSTEIN: And can you give me an example of the scenarios in class and what you're looking for?

BOZIN: Yeah. So really, it's about coming in and being able to talk to people, start with there. Use ah, distance- try to keep things between you and your bad guy or whoever you're talking to so you have time to react. If de-escalation and talking is not working- also, we have a problem with recruits going into scenarios where it's like, I have to be in control. Nobody else can do it. So it's like, hey, you guys are partners.

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You will work together. And maybe one person's verbal commands are- its not working and the person is not reacting well so understand that it's okay for somebody else to take over and start talking and try to work out the situation. If it's a scenario where we would like them to use force, what usually something- approach him with a knife or something like that, refuse to comply, so they can take off the safety, give clear commands and deliver rounds.

ROSENSTEIN: And these scenarios, are there like it's a role-playing situation?

BOZIN: Yeah, it's a role-playing situation.

ROSENSTEIN: Okay so somebody plays the bad guy-

BOZIN: Yes.

ROSENSTEIN: And - got it. And the roles, are they pre-defined as I'm going to, you know like, to different situations where one requires the officer's ques-

BOZIN: Some will just de-escalate and give up and some will not deescalate and give up.

ROSENSTEIN: Do the officers know beforehand which ones are- ah, will deescalate and give up?

BOZIN: The recruits or whoever?

ROSENSTEIN: Yeah.

BOZIN: No. They don't know that.

ROSENSTEIN: Okay. Great. Thank you. That was just me being curious. Sorry.

BOZIN: No, it's totally fine. Totally fine.

STONECIPHER: Do officers get ERIWs assigned to them when they become ERIW certified?

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BOZIN: Not personally. They're at the station and they are supposed to be taking them out if they're on patrol.

STONECIPHER: Okay.

ROSENSTEIN: Are there enough ERIWs at each station so that each officer that is certified has access to one?

BOZIN: I couldn't answer that a hundred percent. I believe -I don't want to - I think it's something you'd be able to check but I think there's like 20 ERIWs at least at each station. And I might be completely wrong but I think it's been set up so with watch is shifting- switching, that there are- should be enough at each station.

ROSENSTEIN: Are ERIW certified officers at each station required to check out and bring an ERIW on their shift if they're able to?

BOZIN: There's a Department Bulletin covering that.

ROSENSTEIN: Okay.

BOZIN: And I believe it's, "you shall have an ERIW with you in the front compartment."

ROSENSTEIN: See, learning something new every day. Thank you.

BOZIN: If they're available. I think that's one of the contingencies- if available.

ROSENSTEIN: Right. Thank you.

STONECIPHER: I mean and just to clarify. You were talking about role-playing scenarios. Do any of those scenarios involve using ERIW against someone with a knife?

BOZIN: Yes.

STONECIPHER: Okay. And how far does an officer need to be

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from an individual before shooting them with an ERIW? What's the distance range?

BOZIN: Well the optimal distance is between five - five yards out to twenty yards.

STONECIPHER: Are there any exceptions about shooting the ERIW from less- from less than the minimal range?

BOZIN: We, in the PowerPoint portion, we do try to explain that. There are things that you may have to justify and articulate as the Department does not want you to shoot people, so, if you are- we always give the example if you're in a small room or something like that, and you have no- nowhere to retreat to, you cannot retreat down the hall to make it safe, that if you have to, and that distance is less than five yards, you may have to use the ERIW.

STONECIPHER: Okay.

BOZIN: Or if somebody is approaching you faster than you can engage them.

STONECIPHER: And that's discussed during training?

BOZIN: Yes.

STONECIPHER: Okay. So, what are the risks involved if an ERIW shot at less than the required minimal range?

BOZIN: There's always a possibility of death.

STONECIPHER: Um hmm.

BOZIN: Realistically, I think the biggest things you will have too close, may definitely cause penetration of the round.

STONECIPHER: Um hmm.

BOZIN: So, I think that's definitely a - and that's obviously serious injury and going to the hospital at that point.

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STONECIPHER: And what are the risks involved if you struck a person in the same spot twice with an ERIW round?

BOZIN: Ah, we call that softening so if you keep hitting in the same area, it could cause softening of that tissue and cause penetration.

STONECIPHER: And just to clarify. Are de-escalation techniques discussed as part of the training?

BOZIN: Yes.

STONECIPHER: And is Department General Order 5.01, Use of Force, discussed at all during the training?

BOZIN: Yes.

STONECIPHER: Do you go over the entire General Order?

BOZIN: No.

STONECIPHER: Do you just review parts of it?

BOZIN: We basically, during that class, we stick with the ERIW portion.

STONECIPHER: Okay. Okay. So, we're gonna take a look at Department Bulletin- and this is Department Bulletin 15-234.

BOZIN: Okay.

STONECIPHER: And look at that. Are you familiar with this Department Bulletin?

BOZIN: I've read Department Bulletin, yes.

STONECIPHER: Okay. And to the best of your knowledge, has this been superseded by any other Department Bulletins or DGOs?

BOZIN: The Bulletin has been superseded by the Department General Orders in -what is that? December of 2016. It's now- ERIW is now inside the Department General Orders.

STONECIPHER: Okay. Which DGO?

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BOZIN: They go in 5.01. Do you see 502? I don't know why that's in my mind from years ago.

ROSENSTEIN: Yes.

BOZIN: Yeah. Okay. That's -that's- always sticks in my mind for some reason.

STONECIPHER: Yeah.

ROSENSTEIN: Yes.

BOZIN: I'm just worried about-

ROSENSTEIN: Was 502 discharge the-

BOZIN: Maybe that was [unintelligible].

ROSENSTEIN: Yeah.

STONECIPHER: I got it now.

ROSENSTEIN: Yeah, yeah, yes.

STONECIPHER: Yeah.

ROSENSTEIN: [Unintelligible].

STONECIPHER: Okay. So let's go to -I think we go to the third page, where it says, Depart- I'm sorry. Deployment Procedures-

BOZIN: I've never seen this part. I'm sorry. Which one am I looking at?

STONECIPHER: All right. So we're looking at Deployment Procedures.

BOZIN: Deployment Procedures— yes.

STONECIPHER: Okay. So, it says, "an ERIW gunner shall always have a lethal cover officer alongside." So is that mandatory?

BOZIN: It's taught as being mandatory, yes.

STONECIPHER: Okay. And you can just break it down. What

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does that mean?

BOZIN: Well we teach it as basically you have a beanbag gun and human beings have the ability to fight through pain, so it's imperative that you have somebody standing generally with an arm's reach of you that has a lethal weapon out ready to save your life.

STONECIPHER: Um hmm. Is that something that two officers must discuss before deciding to use an ERIW?

BOZIN: I'm not sure if I understand- can you just maybe explain that a little bit more?

STONECIPHER: Right. So, is it taught that officers need to discuss who's gonna be the lethal cover officer when the ERIW is going to be used?

BOZIN: In the training they do do it. Um, as partners or working, it's one of those - it would be something, hey, you- you're the passenger, grab the lethal - grab the less lethal. There should be some discussion. There is talk about when you get to a scene, find out what's going on to make sure your ERIW is the right tool.

STONECIPHER: Um hmm.

BOZIN: So I don't know if that's really- probably not answering your question exactly.

ROSENSTEIN: What kind of things should be discussed to determine whether an ERIW is the right tool?

BOZIN: Well, like one of the things we really make clear that if somebody has a firearm, the ERIW is not the right tool for this. That your job should be to get the cover and get your firearm out. Um, of course, recruits get confused with that very

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easily because they think ERIW-

ROSENSTEIN: Is a firearm.

BOZIN: They think- well, ERIW training so I have to use ERIW and they have no options so. Somebody has a blunt object, ah, possibly somebody whose larger than you- a lot of times I cover a scenario that somebody doesn't necessarily need to be armed if you know this person's very violent and aggressive, and you can deliver a baton strike. If I was standing next to you, be farther back from a safe distance. There is no hundred percent this is the right or wrong tool but it's just a tool so you don't have to go lethal.

ROSENSTEIN: Um hmm. But - but the discussion that should occur between the two officers that are about to use the ERIW, what does that- what should that look like? What are they taught?

BOZIN: Well, they're taught that if it's a scene where there's - it wouldn't be taken out on a regular basis for just every scene, for example. But like if there is a blunt object there or somebody who has a knife. We kinda equate it to a weapon. Like if you had -if this person has a weapon in their hand, or you see a weapon that's readily available, then bringing in the ERIW is a probably a good idea. If it's a gun, this is not the correct thing to bring to a lethal encounter possibly.

ROSENSTEIN: Okay.

STONECIPHER: I'm just gonna-

ROSENSTEIN: Got for it.

STONECIPHER: Okay. Okay, so there's the other bullet point here. It says, "point of aim"- we're still looking at Deployment

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Procedures- so, bullet point number two says, "point of aim is zone 2".

BOZIN: Correct.

STONECIPHER: Why are officers advised to aim at zone 2?

BOZIN: They're advised to aim at zone 2 because one is probably realistically the safest place. There's not as many vital organs and stuff around as in zone 1, which would be the waist and above. Um, on a side note. We also realize that the ERIW is not [unintelligible] time so we do explain to them if zone 2 shots are not working, you may have to move into zone 1, avoiding shots that we'll consider like ah, the head, the face, neck, throat. And I think at this time it still had heart, kidneys and spine. Those are vital organs.

STONECIPHER: And it also says, "zone 1 may be targeted if zone 2 is unavailable." Um, so can you just give some situational examples of when zone 2 would be unavailable?

BOZIN: Sure. Somebody is standing behind a car. Somebody is trying to prevent the use of ERIW but maybe holding some cardboard or something in front of their body or standing behind something. Somebody seated. Um, I think those are probably best examples. And I know later on there's discussion of having clothing on that's so heavy that just might make it not [unintelligible] work. So. But I think just not being available like I'm sitting at this table, zone 2 would be-

STONECIPHER: Okay. And do you instruct specific areas in zone 1 to hit if zone 2 is unavailable?

BOZIN: Arms and lower belly is very general. If we're talking about this Department Bulletin, that would be staying

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away from the head, the face, neck, throat. All this area here.

STONECIPHER: Um hmm.

BOZIN: And the heart.

STONECIPHER: Okay. So again, just to clarify. What is the purpose for striking in the arms or the lower belly if you have to shoot someone?

BOZIN: What would be the purpose?

STONECIPHER: Yeah.

BOZIN: To -basically same as a baton. To inflict blunt force trauma to hopefully get compliance.

STONECIPHER: Okay. So the other portion of ah, under Deployment Procedures is bullet point 3. It says, "verbal challenge, red light, red light, less lethal, less lethal, drop the weapon or I will shoot." Are officers taught to say this before using the ERIW?

BOZIN: If it's feasible, yes.

STONECIPHER: Okay. And what is the purpose of the officer doing this?

BOZIN: Two things. Ah, one, you're giving him the consequence if you do not comply with him. I'm sorry. The subject that he needs to comply or there's gonna be a consequence. And two, it's to tell the other officers on the scene to red light, mean like, hold your fire. The ERIW is gonna be used so if you hear POP, don't think somebody is shooting a gun. It's me shooting the ERIW. So basically, telling everybody do not fire your guns. There's gonna be a gunshot sounding.

STONECIPHER: Okay. And are there any exceptions for not giving the verbal challenge?

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BOZIN: If it's just not feasible. If there's no time.

STONECIPHER: And are the exceptions taught at the Academy?

BOZIN: Yes.

STONECIPHER: And then if we go to -its- back to the Department Bulletin. It says, "assess after each shot."

BOZIN: Yes.

STONECIPHER: So what does it mean to assess after each shot?

BOZIN: We teach it as basically you have to justify and articulate every round you deliver so you need to see what's going on no matter how much time that is. It might be a split second. This person's not complying at all. Not slowing at all. So it might be something from very quick to it might be - I don't know- like time flying but this person might fall on the ground and he might jump back up so you might have to give him another shot. So, it's basically, come off your sites, see what's going on first, whatever time you need to assess and see if this person's complying.

STONECIPHER: Okay. So, how is this - how is this taught at the ah, Academy during your course, the assessing part?

BOZIN: The assessing ah, we do that mainly through the live fire. Every time they fire a shot, we tell them to - as they're given the verbal commands, it's, come off your sites, keep the weapon so you can see over the top of the weapon, see what's going on and give them the commands. So they're assessing at that point to see if they're getting compliance. Make sure you can see their hands. And after every shot, we have them make sure they come of their sites so they can if they're going to

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deliver another shot right away or we articulate a person is not complying, deliver another round.

STONECIPHER: Okay. Are they required to say anything after each shot?

BOZIN: No. So, required to say it the first time. After that, we- it's completely okay to continue to give them verbal commands but it's not - not a requirement as taught.

STONECIPHER: Okay. In your training at the Academy - again, talking about the EIRW, do you teach to use the EIRW to knock a weapon out of a suspect's hand?

BOZIN: No.

STONECIPHER: Okay. And why is that?

BOZIN: It would probably be a - it's like shooting center mass. It's the biggest target available so I could see shooting somebody in the arm but the intention of shooting them in the hand to knock their weapon out of their hand, I don't think that would be -the average officer would be able to do that so we wouldn't teach that.

STONECIPHER: Okay.

ROSENSTEIN: Is there any reason to -not to do it that way? In other words, do you teach like don't try to shoot a - a weapon out of someone's hand because?

BOZIN: There is -no, we do not actually articulate that in the PowerPoint or the training. I would be impressed if somebody could shoot somebody in the hand and knock their weapon out of their hand so, with the ability of most shooters, it would be hard to teach that to say we're going to shoot at say, I don't know- a six-inch round hand.

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ROSENSTEIN: But you don't specifically say absolutely don't do it?

BOZIN: No.

ROSENSTEIN: Okay.

BOZIN: No.

ROSENSTEIN: It's kind of silent.

BOZIN: Yes.

ROSENSTEIN: Okay. Thank you.

STONECIPHER: And again, you said you've been teaching ERIW training at the Academy for about how long now?

BOZIN: Probably- about three or four years now. Sorry.

STONECIPHER: Okay.

BOZIN: Since 2016.

STONECIPHER: Okay. And during that time period of you teaching, has any part of the training changed at all? Have you had to modify any part of it?

BOZIN: When the new General Order came out, that was the biggest change just- and it hasn't made things - the only thing that's changed was the targeting near the heart was taken out. Was a little clearer about preferred in-point being zone 2. It's not working. You can go to zone 1. Distance, you can go to zone 1 if you can articulate from the beginning of why zone 2 would not work. But there's not been major changes.

STONECIPHER: Okay. Again, we've talked about and you discussed Department General Order 5.01. We've just gone over Department Bulletin 15-234. Other than that, are there any other Department Bulletins or DGOs that are -that are- that you talk about during your course or teach in your course?

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BOZIN: I have to think about that for a second. I- through the PowerPoint, talk about the Department Bulletin that's current and now the current Department -the DGO, so we've emphasized that now. We've gotten rid of the Department - the time was just prior to 2016. It was the Department ah, Bulletin was discussed. After 2016, the new General Order was discussed.

STONECIPHER: Okay. So, did you want to-

ROSENSTEIN: Are you done?

STONECIPHER: I am.

ROSENSTEIN: Okay.

STONECIPHER: Unless you have anything else.

ROSENSTEIN: Yeah. I have a couple of questions to follow up.

BOZIN: Okay.

ROSENSTEIN: So you said that had been training ERIW and you said exclusively for one and a half years? What does that mean?

BOZIN: I mean I'm still - but like there are certain people who do certain things in the range like on that date, there's two or three of us who work just on the ERIW. And the other people are doing live fire for different type of courses outside. I'm sorry that wasn't clear.

ROSENSTEIN: Oh. Got it. And then you said that you - that you ah, recall a 2012 PowerPoint but that's it's been updated? Um, were you the one that updated it? Is it one that you've created?

BOZIN: Ah, in 2016, after the General Orders - I mean everything was pretty consistent up until 2015, 2016, when there was big switch of General Orders. 2016, I helped update those.

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ROSENSTEIN: Okay. But from approximately when you first started to 2016, you used the same PowerPoint?

BOZIN: Yeah, it was pretty much the same PowerPoint.

ROSENSTEIN: Okay.

BOZIN: There weren't any changes or like just moving slides around so it's clear to present.

ROSENSTEIN: Can you tell me about how you teach um, the knife scenario during, at the Academy?

BOZIN: Sure. So, there's like two knife scenarios during that time where one person was suicidal. And it was a matter of just come and talk to him with a de-escalation type of idea. Just come in, talk- we've been talking to people forever. Go ahead and talk to him and try to convince why he needs to get help and you're here to help him. The other one is a more - not de-escalation, I guess. Come on and talk to him. He's gonna become aggressive. He's gonna make it very clear that he's going to attack the officers. And he will approach the officers. And their job obviously is to give him nice, loud clear commands and take the safety off and engage in assess and see they have to re-engage.

ROSENSTEIN: Um, I want to talk to you a little bit about closing the distance.

BOZIN: Sure.

ROSENSTEIN: What do you teach in terms of using ah, the ERIW and closing the distance between you and the person-subject, suspect?

BOZIN: So the - again, we - we teach that the five yard minimum stand-off is where we want to be but that we would like

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to be as far away as possible and preferably have put stuff in-between us so we have time to react.

ROSENSTEIN: What do you mean by stuff in-between you?

BOZIN: Oh, I'm sorry. Like pulling a table- like if you went into somebody's house. Pull a table in front of you or stand behind a patrol car instead of maybe coming around on the patrol car or you know, put a garbage can- if there's a garbage can on the street, maybe stand behind the garbage can.

ROSENSTEIN: Got it. And then when you deploy the first round and reassess, and realize that you may have to deploy a second one, do you advise officers about what they should do - should they close the gap or widen the gap and what - what do you base that um, decision on?

BOZIN: I don't think that's necessarily covered- more as a general idea that the idea is to stay back from your person to see if they -you want to gain compliance from a distance. So there is no hard fast rule that we're saying in the class that you have to do this but the idea of being -stay back from the person. Have your discussion from a distance so you have time to react.

ROSENSTEIN: Um hmm.

BOZIN: So there is no -you have to go in right now. Is that-

ROSENSTEIN: How about- yeah. How about retreat? Like let's say it doesn't work. Do you teach that the officer should retreat if the round seems to aggravate rather than subdue the subject?

BOZIN: Are we teaching that? No.

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ROSENSTEIN: Okay. Um, what do you teach in terms of transitioning from the ERIW to a firearm? A legal firearm.

BOZIN: So, the ERIW we use until you run out of ammunition. There's so much ERIW stuff on scene. You're gonna have to now have your lethal firearm out, idea being -can you -when you mean transition, can you give me-?

ROSENSTEIN: Sure. You drop the ERIW. Do you sling it to your back and then pull out your gun? How does that- what do you teach officers to do?

BOZIN: Well, we would like them to sling it. Um, I'm going to be clear. I don't know if there are always slings on the ERIW so I know there was an incident at some point recently, where somebody put an ERIW on the ground and then the Sergeant was aware of that, and want everybody to be now- hey, on every- every time I want somebody to be slinging that and be able to transition to a pistol if they had to.

ROSENSTEIN: Okay. In an ideal ah, situation, what type of planning would you like to see between the ERIW officer and the lethal cover officer?

BOZIN: Ideally?

ROSENSTEIN: Yes.

BOZIN: Ideally, you have a lot of time but ideally it might be stand next to me, cover me, and let's go get behind this car, let's get to a position where we can deliver rounds safely.

ROSENSTEIN: How about the opposite where it is not an ideal situation and you are very pressed for time? What is the minimum you would like to see?

BOZIN: On the ERIW guy, cover me.

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ROSENSTEIN: Okay. And the command ah, the verbal challenge- red light, less lethal, less lethal, drop the weapon or I'll shoot- you said that that command should be given when feasible. What do you think are scenarios where it is not feasible to give that command?

BOZIN: Where the officer, somebody else would be under immediate threat. So, I think that would be the big ones right there. It just says, you get out of the- for him- for example, get out of the car and somebody has a knife in their hand or a bat and they're already in the process of injuring somebody. I don't think that would be feasible to give the commands.

ROSENSTEIN: How about if you are approaching an individual who's seated on the ground with a knife in their hand? Would you like to see the officers say, the verbal challenge, red light, less lethal, before using the ERIW?

BOZIN: If he's seated and no - no ah, signs of getting up and approaching me, I would say yes, I would like to see them give the commands.

ROSENSTEIN: Okay. Um, and when you said assess, justify and articulate after each round, you said, come off the site so can you explain that to me a little bit further? Do you expect the person to put the ERIW slightly down or what does that look like?

BOZIN: Well, you have to shift your focus. I mean when you're aiming a firearm, you actually have to be focused on the site so it might be just changing your focal depth to seeing what's going on down range. We encourage people to bring it down slightly so they can actually make sure the muzzle is far enough

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down so you have complete sight of - especially the person's hands.

ROSENSTEIN: Um hmm.

BOZIN: Does that kind of what we're looking for?

ROSENSTEIN: Yes.

BOZIN: Okay.

ROSENSTEIN: And ah- well, okay. You gave me an example, a person's hands. Anything else you're looking for when you are reassessing?

BOZIN: I would see if they're complying. See their hands. See what other things might be around them on the ground. Um, see -I mean that- if I deliver a shot, I'm really most concerned about my suspect or my subject so I want to see what he's doing,

ROSENSTEIN: And then during that reassessed period, are you teaching officers to also communication with their lethal cover? Is that required?

BOZIN: It's not being taught in and it not required, no.

ROSENSTEIN: Okay. Do you want to-

STONECIPHER: Yeah, I got a couple.

ROSENSTEIN: Okay.

STONECIPHER: So, do officers have to get recertified with the ERIW after a certain number like X-number of years?

BOZIN: Every year they come out and they do a requalification so it goes over the basics of the Department General Order, or the Bulletin- Department Bulletin at that time. We cover the basics of that and they shoot a few rounds at different distances just to make sure they still understand the accuracy, loading and unloading.

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STONECIPHER: Okay. Do they do any ERIW training in advance to officer - is that incorporated in advanced officer training at all?

BOZIN: Luckily, I haven't been to any advanced officer for a couple of years but my understanding is that there is now a whole new contingent of CIT, ERIW, going through the Academy.

STONECIPHER: Okay.

ROSENSTEIN: You have anything else?

STONECIPHER: GO ahead.

ROSENSTEIN: Okay. So, one more scenario. If a subject is sitting down on the ground with a knife in his hand, and the officer begins to approach with the ERIW, would you like to see the officer use de-escalation techniques under that circumstance before deploying the ERIW rounds?

BOZIN: I think the Department General Order now loves the idea of de-escalation and talking to people. Ideally, not having been at that scene and knowing if that person is trying to kill themselves or whatever- nothing else, there's probably a good - god idea to stay back and just talk- have a conversation first.

ROSENSTEIN: Okay.

STONECIPHER: Should I go get it?

ROSENSTEIN: Yeah. So we're gonna show you video of the use of an ERIW and we'd like to have your thoughts and we'll stop, you know, section by section and ask some questions.

BOZIN: Okay.

ROSENSTEIN: So. Well, let me start by saying this is the Nest video of an incident that occurred on April 7, 2016, at approximately [redacted] Shotwell Street. This was obtained from a

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residence and it shows an officer using an EIRW and then eventually lethal force. And so, what I'd like to do is just show you the ERIW use and ask you some questions about it. Okay?

STONECIPHER: I'll give you the keyboard.

ROSENSTEIN: Did I mess it up?

STONECIPHER: Maybe.

ROSENSTEIN: Okay.

STONECIPHER: Let's see here. Okay.

ROSENSTEIN: So it's starting at 45- can you move that?

STONECIPHER: Yeah.

ROSENSTEIN: 45:49 on the video. Okay.

BOZIN: Where am I looking on this? Where am I- where are the involved?

ROSENSTEIN: The people involved will be on the sidewalk where the tents are located. And the - so the officer's gonna walk into the general area when you see the trees.

BOZIN: Okay.

ROSENSTEIN: Have you ever seen this video before?

BOZIN: I don't think so.

ROSENSTEIN: Okay. [VIDEO PLAYING]. Can you stop it for a second? Okay, so we're gonna stop it at 46:23. So what you saw was an officer exiting his patrol car with the ERIW and giving two commands: get on the ground, get on the ground, and approaching- do you think that's an appropriate approach with an ERIW?

BOZIN: Not knowing what's going on scene but the approach, I couldn't judge one way or the other to be honest with you. I don't know where - anybody is in kinda that scene right there.

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He might be moving potentially to cover or something like that. I don't know where the person he's giving commands to is. Is there a clear-

STONECIPHER: Not really.

ROSENSTEIN: Unfortunately, not.

BOZIN: Okay.

ROSENSTEIN: This is pre- um, Body Worn Camera.

BOZIN: Okay. So from- I can't really tell but potentially the officer is moving to behind a tree or something like that. I don't know. Or a shopping cart or whatever is on that street there.

ROSENSTEIN: And get on the ground, get on the ground. Um, what about that command? Do you think that's appropriate in terms of, you know, the requirement for de-escalation and a warning?

BOZIN: Um, for the warning for ERIW, that would not be the correct one.

ROSENSTEIN: Okay. And how about in terms of de-escalation and for the purposes of answering the question, assume that the subject is seated on the ground against the wall with a knife in their hands?

BOZIN: Of course, de-escalation might be the right answer but I - not knowing what the subject's doing, he might be pointing the knife at him or something like that. De-escalation might not be the perfect or the right thing under those circumstances.

ROSENSTEIN: Ah, what if the subject is not pointing a knife? If it's just in his hand but not pointed in the direction

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of any person?

BOZIN: Do they have any knowledge of the subject possibly being threatening to other people or - yeah, other people in the area?

ROSENSTEIN: Sure.

BOZIN: That could- that could change things I think in their mind.

ROSENSTEIN: Good question. Assume that some people have called 911 and said that the person was walking around with a large knife and seem aggravated and that was a couple of seconds before the officers arrived on scene.

BOZIN: Okay. Again, I - I don't feel comfortable second guessing what they were going to. Obviously, I know you're not in the position I'm in. Um, but potentially they are trying to take control of the situation right away so he understands that he needs to comply or the ERIW will be used.

ROSENSTEIN: Okay. So basically, you would leave it up to the officers under the circumstances in this situation rather than categorically say one way or the other.

BOZIN: Yes, I would.

ROSENSTEIN: Okay. Okay. Go ahead. [VIDEO PLAYING]- Stop. Okay. Can you - so, here you heard several gunshots-

BOZIN: Well the first three are ERIW rounds- is that what I'm thinking?

ROSENSTEIN: Yes.

STONECIPHER: Yes.

BOZIN: Okay.

ROSENSTEIN: In terms of how far away they are spaced, do

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you think the officer had enough time to reassess after each round?

BOZIN: Possibly. If somebody is approaching you or getting up or behavior is continuing, I guess it would be the best- I think you could shoot rounds fairly quickly, yes. And again, it could be as quick as just changing your focal depth to look at the person, look back at your sites.

ROSENSTEIN: Anything about what you've seen so far that you would have liked to - the officers to have done differently in light of the EIRW training that you provide at the Academy?

BOZIN: I mean I can't deny I would like them given a clear command of red light, less lethal, less lethal, drop the weapon or I'll shoot. The command of consequence. Not knowing what they're doing 'cause they're off scene, I really don't know if I'd feel comfortable commenting on that. How's that?

ROSENSTEIN: Okay. Yeah, if there's anything else that you can think of that you -that you see, and that jumps off the screen at you as being a situation that you would have liked them to have acted differently, just let us know.

BOZIN: Okay.

STONECIPHER: Yeah.

BOZIN: The only- I don't know what other - like you said, they were going to somebody being kind of with a knife.

ROSENSTEIN: Correct.

BOZIN: Under those circumstances, and I don't know if there were like pedestrians walking around, how quick they'd need to approach that and deal with it. It needs to be done like that or they can stand back for 30 seconds and have a quick discussion

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among themselves if they can safely do that. Not sure what was happening off scene.

ROSENSTEIN: Okay. How about in terms of a discussion about which one is the lethal cover officer? Did you see that on video at all?

STONECIPHER: Would you like us to replay it? Would that help?

BOZIN: I didn't see a discussion. I saw one person taking the lead with the ERIW and the other person coming behind him and I think that would be - having worked on the streets, it'd be like I'm the ERIW guy 'cause I have the EIRW in my hand and you're standing right near me. You're gonna be my lethal cover officer. I think that's something it looks like it just happens quick to the point where they just assumed roles.

ROSENSTEIN: Should they have talked to each other about it?

BOZIN: I would say ideally. I don't know if they -again, not knowing the whole situation, ideally, it'd be great if they had time to talk about it, yes.

ROSENSTEIN: Okay.

BOZIN: But I think it's also almost presupposed that you're coming with me and we both have jobs right now.

ROSENSTEIN: Okay.

STONECIPHER: [Unintelligible]? No.

ROSENSTEIN: Okay. I think that's it.

BOZIN: Okay. All right.

ROSENSTEIN: So, this interview is concluded. The official time is 11:36 a.m.

END OF DOCUMENT

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